

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| CANADA DRY DELAWARE VALLEY | : | |
| BOTTLING COMPANY and CANADA | : | |
| DRY POTOMAC CORPORATION, | : | 07 Civ. 8037 (SHS) |
| | : | |
| Petitioners, | : | |
| | : | NOTICE OF MOTION |
| -against- | : | |
| | : | |
| HORNELL BREWING CO., INC., D/B/A | : | |
| FEROLITO, VULTAGGIO & SONS, | : | |
| | : | |
| Respondent. | : | |
| ----- | x | |

PLEASE TAKE NOTICE that, upon the Declarations of John Taglienti and Dana Klinges, dated June 24, 2008, the exhibits thereto, the accompanying Memorandum of Law, and all prior proceedings herein, Petitioners will move this Court at 500 Pearl Street, New York, New York 10007, Courtroom 23A, at a date and time to be set by the Court, for an order granting Petitioners' Motion and: (a) ordering Respondent to comply with this Court's Order dated September 28, 2007, and entered on October 1, 2007, which incorporates the Consent Award issued by the arbitration panel on August 20, 2007; (b) ordering Respondent to pay Petitioners' fees and costs; (c) issuing a limited discovery schedule to establish the number of cases that Hornell improperly sold and the profits from those sales; (d) scheduling a contempt hearing; and e) granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), any opposition to this motion shall be served so as to be received by the undersigned on or before July 14, 2008.

Dated: New York, New York
June 24, 2008

WOLFBLOCK LLP

By: /s/ Dana B. Klinges

Dana B. Klinges

Jennifer F. Beltrami

250 Park Avenue

New York, New York 10177

dklinges@wolfblock.com

(212) 986-1116

Attorneys for Petitioners

TO: Howard S. Wolfson, Esquire
Morrison Cohen LLP
909 Third Avenue
New York, NY 10022-4731

Martin Cunningham, Esquire
Hornell Brewing Co., Inc.
5 Dakota Drive, Lake Success
New York, NY 11042

CERTIFICATE OF SERVICE

I herby certify that on June 17, 2008, I electronically filed the Notice of Motion to Compel Compliance and for Contempt, Memorandum of Law, Declaration of Dana Klinges and Declaration of John Taglienti with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed the foregoing documents via United States Postal Service and hand delivered via messenger service to the non-CM/ECF participants indicated below.

Via Hand Delivery

Howard S. Wolfson, Esquire
Morison Cohen LLP
909 Third Avenue
New York, NY 10022-4731

Via First Class Mail

Martin Cunningham, Esquire
Hornell Brewing Co., Inc.
5 Dakota Drive, Lake Success
New York, NY 11042

By: /s/ Dana B. Klinges
Dana B. Klinges
Jennifer F. Beltrami
WolfBlock LLP
250 Park Avenue
New York, New York 10177
dklinges@wolfblock.com
(212) 986-1116